
Public Notice

Applicant:
Bailey Development
Company

Date:
Published: September 24, 2002
Expires: October 23, 2002

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-TD-R RE: 2002-02342(0) Section: OH 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Bailey Development Company, 11528 Royalton Road, North Royalton, Ohio 44133, is proposing to develop a single family residential subdivision on a 30 acre parcel of land located in the City of North Royalton, Cuyahoga County, Ohio. The project site is located east of Abbey Road and south of Albion Road. The proposed project will consist of the construction of approximately 3,000 linear feet of roadway and the development of 50 building lots equipped with utilities and landscaping.

The applicant is seeking authorization from the Department of the Army to fill 4.97 acres of Federal jurisdictional wetlands and culvert/fill 130 linear feet of Biro Ditch (intermittent stream) and 500 linear feet of ephemeral stream.

To compensate for the impacts on the 4.97 acres of Federal jurisdictional wetland, the applicant is proposing to purchase 9.9 acres of wetland credits (2:1 replacement ratio) from the North Coast Wetland Mitigation Bank (Hale Road Site, Lorain County, Ohio). The service area for this bank includes the Rocky River Watershed. To compensate for the 630 feet of stream impacts the applicant proposes to preserve 945 linear feet of stream (1.5:1 replacement ratio) at the Wakefield Run Preserve in Hinckley, Ohio.

In addition to the Federal impacts, the applicant is also proposing to fill 0.12 acres of State regulated wetlands (isolated). These wetlands are not regulated under Section 404 of the Clean Water Act and as such activities within these areas do not require Department of the Army authorization.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Richard J. Ruby, who can be contacted by calling (716) 879-4109, or by e-mail at: richard.j.ruby@lrb01.usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Richard J. Ruby, or by e-mail at: richard.j.ruby@lrb01.usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

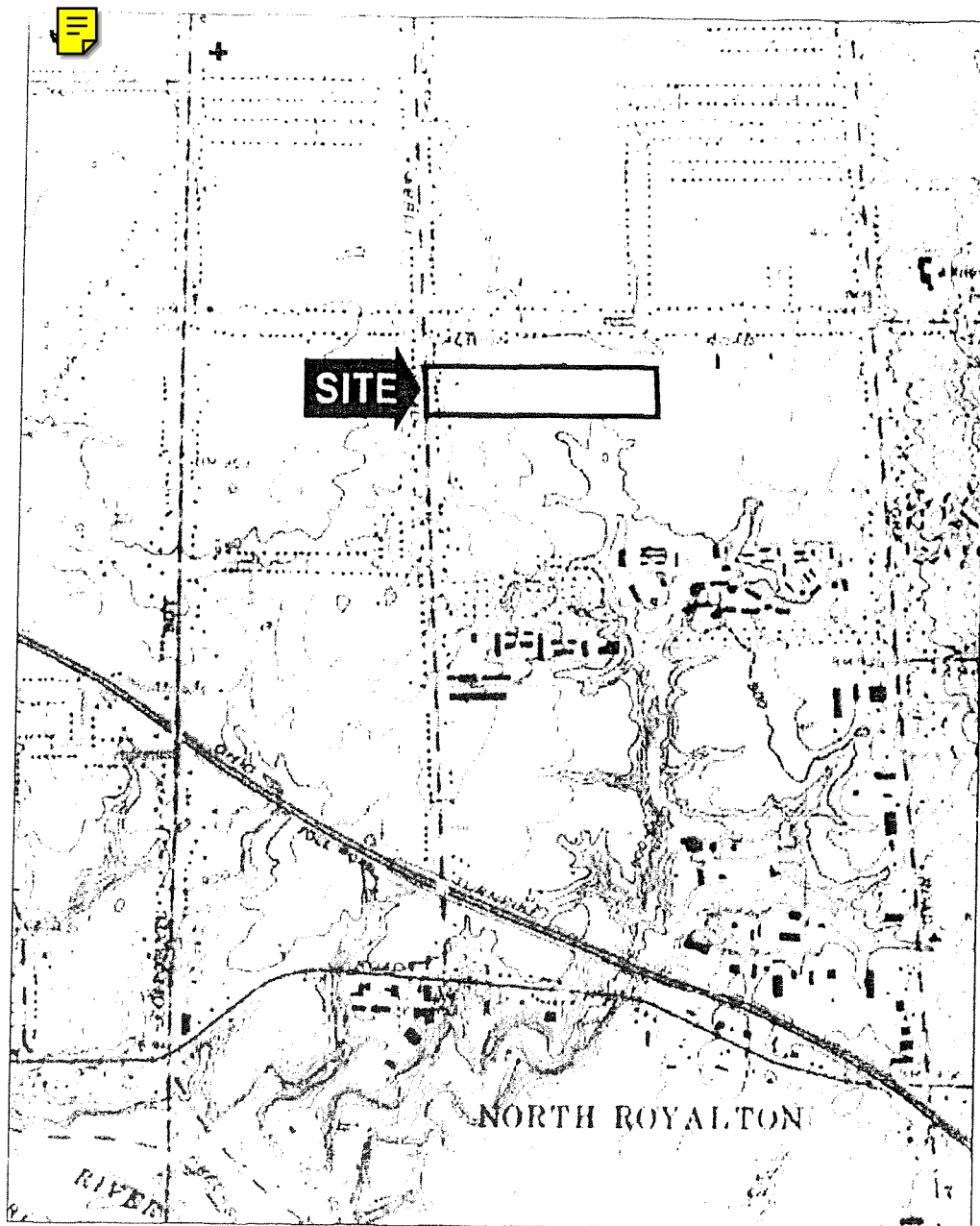
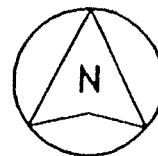
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

BAILEY DEVELOPMENT COMPANY
D/A Processing No. 2002-02342(0)
Cuyahoga County, Ohio Quad: BERE A
Sheet 1 of 4



QUADRANGLE LOCATION

BERE A QUADRANGLE
OHIO - CUYAHOGA
7.5 MINUTE SERIES (TOPOGRAPHIC)



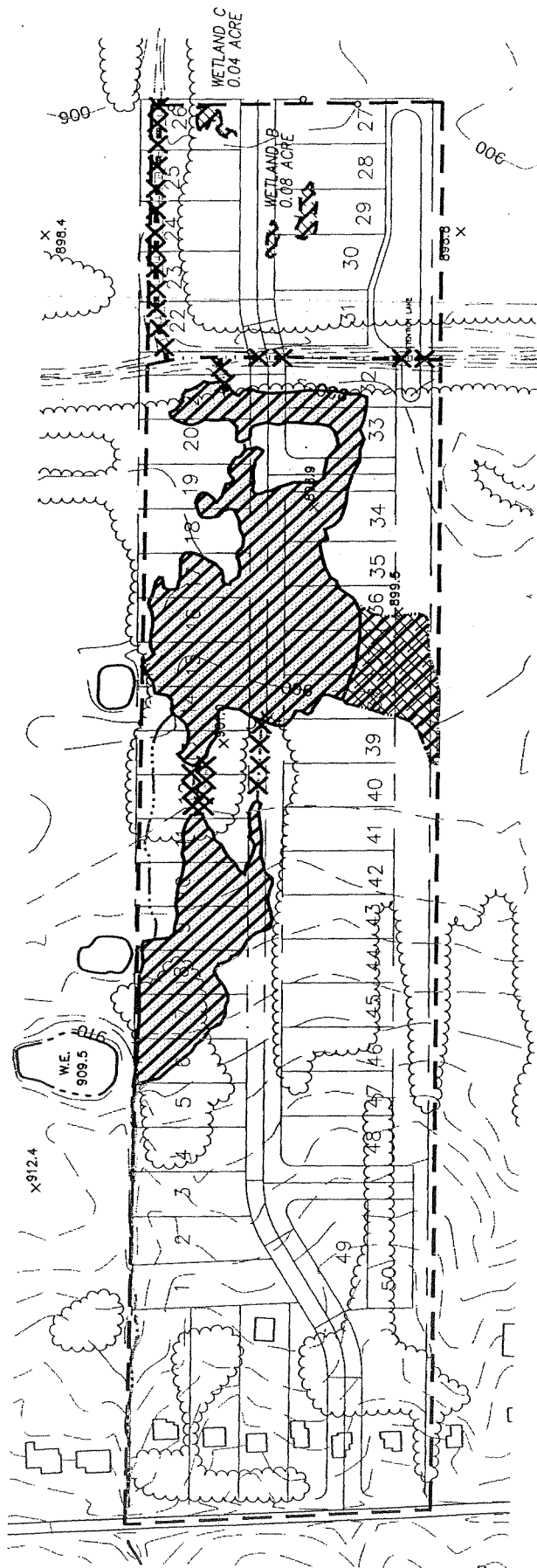
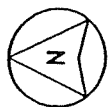
PROJECT: ABBEY ROAD SUBDIVISION
LOCATION: NORTH ROYALTON, OHIO

U.S.G.S. MAP FIGURE 1

PROJECT No: 02115



PROJECT No: 02115



LEGEND

- SWALE
- - - - - STREAM
- AREA DELINEATED
- ~~~~~ TREE LINE

STATE ONLY JURISDICTIONAL WETLAND (0.12 ACRE)

FEDERAL AND STATE JURISDICTIONAL WETLAND (4.97 ACRES)

STATE ONLY WETLAND IMPACTED (0.12 ACRE) - *Isolated Wetland*

FEDERAL AND STATE WETLAND IMPACTED (4.97 ACRES)

IMPACTED STREAM (690 LINEAL FEET)

IMPACTED SWALE

TOTAL POTENTIAL JURISDICTIONAL
STREAM = 1,000 LINEAL FEET

TOTAL POTENTIAL JURISDICTIONAL
WETLAND AREA = 5.09 ACRES

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

THE WETLAND DELINEATION SHOWN WAS REVIEWED AND APPROVED BY THE ARMY CORPS OF ENGINEERS 5/10/02

BAILEY DEVELOPMENT COMPANY
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Cuyahoga County, Ohio Quad: BERE A
Sheet 2 of 4

IMPACTS SUMMARY
 ABBEY ROAD SUBDIVISION

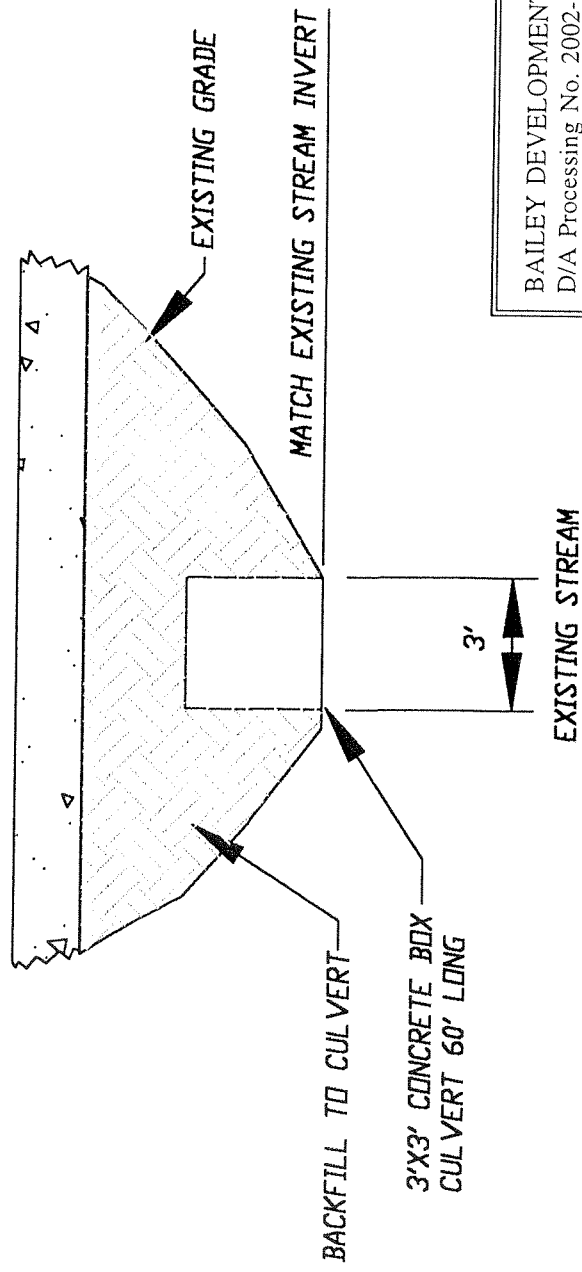
PREFERRED DESIGN ALTERNATIVE

WETLAND IMPACTS						
WETLAND	CATEGORY	SCORE	SIZE	STATE IMPACTED	FEDERAL IMPACTED	PLANT COMMUNITIES
B	2	46	0.08 Ac	0.08 Ac.		Scrub/Shrub 100%
C	2	38	0.04 Ac	0.04 Ac.		Scrub/Shrub 100%
D	2	45.5	3.59 Ac		3.59 Ac.	Scrub/Shrub 45 %, Forest 25%, Emergent 30%
F	1	25	1.38 Ac		1.38 Ac.	Scrub/Shrub 75%, Emergent 25%
TOTAL			5.09	0.12 Ac.	4.97 Ac.	
						C.Y. FILL
						130
						60
						5,790
						2,220
						8,200

STREAM IMPACTS					
STREAM	QHEI SCORE	LENGTH	L.F. IMPACTED	TYPE OF IMPACT	C.Y. FILL
Biro ditch	33	500 L.F.	130 L.F.	Culvert and fill to grade	90
Ephemeral	-----	500 L.F.	500 L.F.	Culvert and fill to grade	50
Total			630 L.F.		140

Total C.Y. of clean fill materials including dirt, rocks, gravel, and/or clay into "waters of the US" = 8,340 C.Y.

BAILEY DEVELOPMENT COMPANY
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 Cuyahoga County, Ohio Quad: BERE A
 Sheet 3 of 4



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Cuyahoga County, Ohio Quad: BERE A
Sheet 4 of 4

PROPOSED CONCRETE BOX CULVERT IN EXISTING STREAM

N.T.S.



CHAGRIN VALLEY
ENGINEERING, LTD.

PROJECT: ABBEY ROAD SUBDIVISION
LOCATION: NORTH ROYALTON, OHIO

CULVERT CROSS SECTION